



Lasqueti Island Local Trust Committee Minutes of Regular Meeting

Date: August 10, 2020
Location: Electronic Meeting

Members Present: Peter Luckham, Chair
Peter Johnston, Local Trustee
Timothy Peterson, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager
Jaime Dubyna, Planner 2
Warren Dingman, Bylaw Enforcement and Compliance Manager
Dave Olsen, Recorder

Others Present: Andrew Fall, qRD Regional Director
There were 8 members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:30 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He noted that this meeting is also being live streamed and explained the protocols required for the electronic meeting to function well. He introduced the Trustees and staff.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. CLOSED MEETING

3.1 Motion to Close the Meeting

LA-2020-015

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a), (d) and (f) for the purpose of considering Appointment of Advisory Planning Commission Members and Adoption of In-Camera Minutes dated February 24, 2020 and April 27, 2020, Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

3.2 Recall to Order

3.3 Rise and Report

Chair Luckham reported that the Lasqueti Island Local Trust Committee has appointed Pachiel Smith, Shawn Rowley and Gail Sorenson to the Lasqueti Island Advisory Planning Commission for a term of two years.

4. TOWN HALL

The Chair advised all attendees about the need to speak respectfully and that the meeting was being held on Coast Salish Territory.

Home Enterprises

A member of the public commented and the following was noted:

- He is not currently running his own business.
- The current zoning facilitating home enterprises was a major factor in deciding to purchase on Lasqueti and there are few restrictions if one follows the regulations.
- Islands Trust staff have not listed acceptable home enterprises but rather regulate them by impact.
- He does not believe that restrictions should be made on a case-by-case basis.
- If there are impacts from current home enterprises, they should be addressed in a community driven process.

5. REPORTS

5.1 Trustee Reports

Trustee Johnston reported that he has received a large number of emails and phone calls about the Feed Store, gas sales, and the dock applications.

Trustee Peterson reported that he has also received a large amount of communications about these same issues. He also reported being involved in numerous meetings with the Islands Trust Local Planning Committee and the Trust Programs Committee, including its Policy Statement and Reconciliation Working Groups.

5.2 Chair's Report

Chair Luckham reported that he has also received many. The amount of emails received has increased during this time with the limited meeting format. He also reported that he is getting ready for an upcoming electronic Trust Council meeting.

5.3 Electoral Area Director's Report

Director Fall reported on the following:

- That the Texada OCP Review, which started two years before Lasqueti's, is in its final stages.
- The qathet Regional District (qRD) has eliminated a Parcel Tax to fund the Lasqueti Island Volunteer Fire Department Service; this was the only tax of that kind so removing it will make it easier to understand future tax notices.
- Monitoring wells have been installed at the closed Lasqueti landfill and tires and metal are in the process of being removed from the site.
- Next step for the landfill site is to cap it and the contract for supplying the capping material has recently been awarded.
- Closing the landfill is estimated to cost \$184,000.00.
- The landfill site will need to be monitored until 2045 which is estimated to cost an additional \$275,000.00

- Last Thursday was the first scrap metal transfer off the island which was scheduled with the monthly garbage removal at the barge ramp and noted that there was a long line-up of vehicles that took advantage of the free metal drop-off.

6. MINUTES

6.1 Local Trust Committee Minutes dated June 22, 2020 - for adoption

The minutes of the Lasqueti Local Trust Committee Meeting of June 22, 2020 were adopted by **general consent**.

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated July 30, 2020

8. APPLICATIONS AND REFERRALS

8.1 LA-RZ-2020.1 (Carey Development LTD. - JE Anderson & Associates) - Staff Report

The Chair advised that staff would introduce the application and then Ken Kyler, as a representative of the applicant, would have an opportunity to speak.

Planner Dubyna read through the Staff Report contained in the agenda package. She noted four letters against the application were received and forwarded to the Trustees and that staff from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) has provided a recent photograph showing that the dock has already been completed. Because it does not conform to the local zoning bylaws, it does not qualify for the Province's General Permission. She listed the ways that the application would not be supported by the policies in the current Official Community Plan (OCP).

Ken Kyler was invited to speak and the following was noted:

- He outlined the general rationale of the application in his letter of April 23, 2020.
- Staff reported that there are very few docks on Lasqueti and that could mean that more access is needed.
- He believes that Lasqueti's limited public transportation and limited opportunity for public docks increases the demand for docking space.
- This dock would allow the applicant to commute to work.
- The applicant would allow emergency responders to utilize his dock.
- He noted that there is a fair bit of moorage in the area, but that the dock that is the subject of this application is near the zero tide mark, and he believes that the dock would not interfere with existing moorage.

Trustees asked the applicant to clarify the potential use of the dock by emergency services and whether both applicants could share one dock.

John Carey responded and the following was noted:

- He does not want the access to be for ongoing use but only for emergency situations.

- He could research and plan for an agreement that is acceptable for everyone.
- FLNRORD will not permit shared docks between parcels in General Permission areas.

Staff noted that shared docks do exist in application only areas but more research would be required regarding General Permission areas.

The Chair asked whether the local emergency responders have been contacted and whether they require this type of access; if First Responders have a boat that could access the dock, and if the Coast Guard has been contacted about using it in the future.

John Carey responded and the following was noted:

- He has contacted various first responders informally and that the Coast Guard does not want to move people off the island.
- He does not have insurance to move people off island but he does have one of the best boats available.

Staff noted:

- That she contacted the Manager of qRD's Emergency Services and reported that the applicant would have to contact the qRD's Emergency Services and invite them to see if the facility would work regarding emergency use.
- That the lease with the Province would need to be different in that it would not be for private moorage but would need to be a commercial license.
- That there is no lease with the Province at this time.
- That an easement would be required for public use and that this dock does not qualify for the Province's General Permission because fill was used at the foreshore and it does not conform to local bylaws.

Ken Kyler responded and the following was noted:

- The applicant's intention is for emergency use only.
- The applicant has not completed a final survey to locate where the access will be.
- They do not know the extent of how much fill has encroached on the foreshore.
- The docks have to be really small to fit all the OCP policies.
- Not really possible to share it with emergency access.
- It is extremely problematic to share the dock.

The Chair noted that it is problematic that the shoreline work and dock construction has been done prior to a proper application.

Trustee Johnston noted the following:

- That it would not be proper to not proceed.
- We need to do some planning in order to deal with the whole Scottie Bay area.
- A lot of questions need to be answered before a decision can be made.
- If the LTC decides to not proceed, he believes that more of the application fee should be refunded.
- He wants a public meeting so that information can be shared.
- The poor water quality is probably due to the shipyard's use for 60 or 70 years.

The Chair noted the following:

- That the dock has already been constructed.

- He advised that by proceeding no further, it ends this application process, a portion of the application fee would be refunded and that the applicant would not be allowed to apply to build a dock for a year.
- He noted that there is currently an OCP Review in process.
- The LTC could also defer this decision to a future meeting.
- If the application proceeds, a Public Hearing would be held.
- He advised that the application fee would be drawn down for each meeting held.
- The applicants could hold a public meeting at their own expense.

Trustee Peterson noted the following:

- That it is less than ideal that the application comes after the construction of the dock.
- He is aware of potential ramifications with FLNRORD if we approve the dock after it has been constructed.
- He believes that it is important that the LTC is seen to be working collaboratively with the Province.
- He has received both supportive and non-supportive letters regarding the application.
- He believes it will be very difficult to garner public support for two docks side-by-side, which puts the applicant that did not already build at a disadvantage.
- Overall, he would like more information before making a decision.

Staff noted the following:

- That a Community Information Meeting (CIM) is usually held before a Public Hearing.
- That a rezoning application and a bylaw amendment use the same form and process.
- That a CIM is set up as a special meeting of the Trustees.
- That an exercise that looks at the whole bay as part of the OCP Review would need to be a separate project which would not be able to be completed in the near future.
- The LTC could just not make a decision, but in the meantime, it would be unclear if the applicant would be allowed to use the dock.
- Not making a decision will muddy the waters further.
- If the LTC is wanting community input on this application now, we could have staff draft bylaws and they would be the subject of the CIM.
- The LTC could have the applicant conduct their own meeting where the Trustees could attend; the meeting would be for this application only, not for Scottie Bay as a whole.
- That this application is to rezone the property.
- That if this application were to move forward, a covenant would be a condition of the rezone.

The applicant noted the following:

- That this is not an act and ask permission later situation.
- The only way it can be fair is to proceed.

LA-2020-016

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee request staff to notify the applicant of LA-RZ-2020.1 that further consideration will be on condition of the applicant submitting the following:

- a. A copy of a survey plan by a BC Land Surveyor that identifies all existing and proposed development, including the extent of fill in relation to the natural boundary of the sea and adjacent foreshore;
- b. A copy of a post-construction impact assessment by a qualified biologist that addresses impacts and recommends mitigation measures to the upland area of the subject property and in the adjacent foreshore and marine areas;
- c. A copy of a report by a qualified coastal engineer that identifies the coastal processes at the site, develops a site design to minimize impacts to the shore, and recommends any further shoreline mitigation or protection measures.

Trustee Johnston spoke against the motion.

Trustee Peterson spoke in favour of the motion as a way to move forward but noted that he is not attached to the motion and that his preference is to defer any decision to the next meeting while staff request information from FLNRORD regarding the implications of approving this application.

DEFEATED

LA-2020-017

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee request staff to create a draft bylaw for application LA-RZ-2020.1.

CARRIED

LA-2020-018

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee request staff to report back on implications of approving LA-RZ-2020.1 with regards to Ministry of Forests, Lands, Natural Resource Operations and Rural Development regulations and expectations.

CARRIED

8.2 LA-RZ-2020.2 (Colette Mann - JE Anderson & Associates) - Staff Report

Staff gave a brief summary of the application and the staff report in the agenda package. She noted that the dock has not been completed as of this meeting and listed how the application would contravene existing OCP Policies.

The Chair noted that this application would be considered separately from the previous application.

Trustees noted that this application shares the foreshore access with the previous application.

Staff advised that Ken Kyler is the agent for both applications.

Ken Kyler noted that this dock has not been constructed, that Mr. Mann was attending the meeting and that a final survey has not been completed.

Staff read the definition of a structure from the bylaw and noted that Figure 3 shows that rocks are placed along the foreshore, but it is not clear whether this would constitute a wall or a structure. The definition of structure specifically excludes fences or walls.

LA-2020-019

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee request staff to create a draft bylaw for application LA-RZ-2020.2.

CARRIED

Chair Luckham recessed the meeting at 1:00 pm and reconvened the meeting at 1:30 pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Official Community Plan (OCP) and Land Use Bylaw (LUB) Review - verbal update

Staff reported back from the Advisory Planning Commission (APC) referral meeting and the following was noted:

- The APC is generally in favour of moving forward.
- There are some controversial topics that the Lasqueti Community Association's Official Community Plan Steering Committee (LCA OCP SC) report identified.
- Both the LCA OCP SC and the APC did not want the controversial issues to stop the overall process from moving forward.
- In terms of public consultation, the APC felt that the LCA process was thorough and recommended that a Community Information Meeting (CIM) take place in September so that it could be an outdoor meeting rather than a purely electronic meeting.
- Director Marlor still has concerns about staff attending CIMs in person. Outdoor meetings are problematic for presentations. Indoor presentations are difficult due to restrictions in numbers.
- The LCA OCP SC is better positioned to answer questions at a CIM regarding their report. Perhaps a hybrid could be set up where the LTC would set up the meeting and that the LCA OCP SC could be the star of the show.

Trustees asked staff if adding Scottie Bay and Home Enterprises to the OCP Review Process was possible and how it could be announced that the LTC would be looking in more depth at both of those issues.

Staff responded and the following was noted:

- These topics could be added to the OCP Review Project Charter but they could also slow it down.
- Questions would likely come up at a CIM regarding those issues. One method to deal with that is to answer questions regarding what the OCP/LUB says now and what the LCA OCP SC report recommends.
- Staff is looking for direction to have a CIM in September and whether or not we can be creative in how we facilitate that meeting and which topics are to be covered.

Trustees discussed which venues could be available and would be appropriate and the following was noted:

- The Community Centre has no connectivity.
- The Health Centre could facilitate a hybrid meeting where people could attend both in person and electronically.
- The school may also be an option.

Discussion ensued and the following was noted:

- Trustees could hand out materials or display charts and signs.
- Important that the LTC gets clear messaging out that the two controversial topics will be discussed at the CIM.
- Staff noted that a mailer would cost under \$100.
- If the weather is unfavourable, there is not room enough inside to host the meeting.
- The neighbouring Recycle Depot is covered.
- September weather is usually pretty good.
- Denman Island had an all electronic CIM recently.
- More people would come to an in-person meeting.

Chair asked about setting an expectation of including the two controversial topics at the CIM and the following was noted:

- It would assume that the Project Charter would be changed.
- If there was a fairly broad range of agreement, the LTC would include them but not if there was not.
- The entire CIM could be consumed by those two topics; would like to raise the two issues but not consume the entire meeting.
- The issues could be presented as future topics for more discussion. If there are not many concerns about the LCA OCP SC's work then it could advance.
- The Home Enterprise and Dock are LUB issues, not OCP issues.
- The Temporary Use Permit (TUP) process could be expanded.

LA-2020-020

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee request staff to organize a Community Information Meeting for September 2020, include the Lasqueti Community Association's Official Community Plan Steering Committee as hosts, and send an island mailer to announce the meeting.

CARRIED

10. DELEGATIONS - none

11. CORRESPONDENCE - none

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

A question arose about how to deal with correspondence that Trustees may receive personally (as opposed to addressed to the Local Trust Committee or to Islands Trust staff), and the following was noted:

- The Chair advised that emails from people that do not wish to have their names attached become anonymous and they must be discarded because all decisions must be based upon factual information that can be referred to.
- By forwarding correspondence to staff, personal information may be redacted if necessary.
- Trustees noted that they request the writer's permission before they forward any correspondence to staff.
- The Chair also noted that in using one's personal email, it opens it up to Freedom of Information (FOI) requests.
- Staff advised that correspondence to personal Islands Trust email accounts is not automatically part of the public record.

12. NEW BUSINESS

12.1 Future Meetings Format - for discussion

Trustees asked if it would be possible to attend at the health centre for meetings and set up a large screen for anyone else who wanted to attend there.

Staff advised that the reason we are not having public meetings is because of the pandemic. The Islands Trust has to ensure that attendees are physically distanced and that not more than 50 people attend.

Before COVID, Islands Trust explored the idea of staff attending meetings electronically but the audio quality was not very good and someone who is not staff would need to set up and facilitate the technical equipment.

The Chair added that the Executive Committee did advise all LTCs that their APCs could hold in person meetings because they are self-organized.

12.2 Model Radio Antenna Strategy - for discussion

Trustees asked if the staff needed more direction for this project.

Staff responded that if the Trustees are ready to adopt the model protocol as is, then it can proceed quickly, but if there is more consultation needed then it will need staff time, and that staff's capacity is also limited by the projects of other islands.

12.3 Attendance by Trustees at Union of BC Municipalities (UBCM) and Association of Vancouver Island and Coastal Communities (AVICC) Meetings - for discussion

Trustees noted that the AVICC meeting will be electronic but it is not likely to include any of the hot issues for Lasqueti.

13. REPORTS

13.1 Trust Conservancy Report dated July 14, 2020 - received

13.2 Applications Report dated July 30, 2020 – received

Trustees advised that one applicant asked for an even playing field in how the fuel sales applications are dealt with, including the environmental requirements.

The Chair advised that the Provincial Ministries would be the agencies that are responsible for those issues.

13.3 Trustee and Local Expense Report - none

13.4 Adopted Policies and Standing Resolutions - received

13.5 Local Trust Committee Webpage

No updates required.

14. WORK PROGRAM

14.1 Top Priorities Report dated July 30, 2020 - received

14.2 Projects List Report dated July 30, 2020 - received

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Monday, October 5, 2020 at 11:00 am at - Location to be determined

LA-2020-021

It was MOVED and SECONDED,

that if an electronic meeting is held in October 2020, that it begin at 10:00 am.

CARRIED

Staff advised that if the meeting is to be held electronically, a motion is required to waive the meeting procedures bylaw requirements around electronic meetings and that this could be easier to do by Resolution Without Meeting (RWM).

16. ADJOURNMENT

By general consent the meeting was adjourned at 2:34 pm.

Peter Luckham, Chair

Certified Correct:

Dave Olsen, Recorder